

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO.
1004663

TYPE
Complaint Register

DATE OF REPORT (Day-Mo.-Yr.)
30 October 2008

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED**, **UNFOUNDED**, **NOT SUSTAINED**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **FIVE (5) DAYS SUSPENSION**. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS

☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM -INVESTIGATOR'S NAME
ANDERSON, Rory

RANK
P.A.

STAR NO.
19719

EMPLOYEE NO.

UNIT ASSIGN.
121

UNIT DETAILED

REFERENCE NOS. (LIST ALL RELATED C.L., C. B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)

ADDRESS OF INCIDENT
3510 South Michigan Avenue (Medical Services Section)

DATE OF INCIDENT -TIME
SEE NARRATIVE Various

BEAT OF INCIDENT
211

ACCUSED	NAME	RANK	STAR NO.	EMPLOYEE NO.	UNIT ASSIGN.	UNIT DETAILED	
	1. JOHNICAN, Brandt	P.O.	11936		003		
	2.						
	3.						
ACCUSED	SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)	<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		
	1. F/1	November 1981	22 May 2006	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY			
	2.			<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		
	3.			<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		
ACCUSED	IF APPLIES, DATE ARRESTED/INDICTED	CHARGES	COURT BRANCH	DISPOSITION & DATE			
	1.						
	2.						
	3.						
COMPLAINANT	NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	RISLEY, Thomas	Sergeant, Star #2585, Employee			PAX 0130	M/2	42
COMPLAINANT	ANDERSON, Rory	Police Agent, Star #19719, Employee			PAX 0613	M/2	44
	NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
VICTIMS							
WITNESSES	NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

**IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.


NOTE: Complaint Log "TYPE" is classified CR - Sworn Affidavit not required.

Allegation #1:

It is alleged by the complainant #1 (Sergeant Thomas RISLEY #2585) that on 26 January 2007, 09 February 2007, 20 February 2007, 05 March 2007, 07 March 2007, 12 March 2007, 14 March 2007, and 19 March 2007, at various times of the day, at the location of 1725 West Harrison, that the accused violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician.

Allegation #2:

It is alleged by complainant #2 (Police Agent Rory Anderson #19719) that on 04 May 2007, at 0600 hours, at the location of 3510 South Michigan Avenue (Internal Affairs Division), that the accused failed to appear or make notification of the inability to appear for a scheduled statement relative to a complaint register investigation after receiving and acknowledging notification from complainant #2.

SUMMARY	<p>Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.</p>			
	SEE ATTACHED			
ATTACHMENTS	INVESTIGATIVE REPORTS-SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS: 4, 6, 8, 9	INVESTIGATIVE REPORTS-SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE: 13
FINDINGS - RECOMMENDATIONS	<p>Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for --- days (not to exceed 5 days).</p>			
SEE ATTACHED				
DATE INITIATED (Date complaint was received for investigation)		DATE COMPLETED (Date of this report)		ELAPSED TIME (Total time expressed in days)
05 April 2007		30 October 2008		574 days
Investigator will initiate the Command Channel Review form by completing the Investigator's Section.			INVESTIGATOR'S SIGNATURE 	

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

INVESTIGATION:

R/Agent received this Complaint Log Number Investigation Face Sheet which related that the complainant Sergeant Thomas RISLEY #2585 alleged that the accused Probationary Police Officer Brandi JOHNICAN #11936 failed to report and participate in a treatment plan as prescribed by a treating physician (attachments #1, 2 and 3).

R/Agent received an Initiation Report submitted by Sergeant Thomas RISLEY #2585. RISLEY basically related the following in the report: that JOHNICAN had failed to report and participate in a treatment plan for an Injury on Duty prescribed by a treating physician; that JOHNICAN had been decertified on 04 April 2007 as a result of her failure to participate in the required treatment plan. A facsimile sent from Midwest Orthopedics Hand and Shoulder Center to Police Officer Dawn NEARY #12013 of the Medical Services Section was included as an attachment to the Initiation Report. The facsimile listed the following dates that JOHNICAN did not appear for treatment 26 January 2007, 09 February 2007, 05 March 2007, 12 March 2007, 14 March 2007 and 19 March 2007 (attachment #4).

R/Agent served Probationary Police Officer Brandi JOHNICAN #11936 as the accused and a formal statement was taken. JOHNICAN basically related that she did not appear for her scheduled appointment on 26 January 2007 and had called and informed the therapist that she was unable to drive and did not have a ride to the appointment. JOHNICAN related that she did not contact the Medical Services Section and inform them of her inability to report for the 26 January 2007 therapy appointment. JOHNICAN related that she did not appear for her scheduled appointment on 09 February 2007 but had rescheduled and appeared on a different date. JOHNICAN related that she did not contact the Medical Services Section and inform them of her inability to report for the 09 February 2007 therapy appointment. JOHNICAN related that she did not appear for her scheduled appointments on 05, 12, and 14 March 2007 but had rescheduled and appeared on a different dates. JOHNICAN related that she did not contact the Medical Services Section and inform them of her inability to report for the 05, 12, and 14 March 2007 therapy appointments. JOHNICAN related that she did not appear for her scheduled appointment on 19 March 2007 but had rescheduled and appeared on a different date. JOHNICAN related that she would bring in proof of her rescheduled appointments and her appearance at those appointments to R/Agent on 11 May 2007. JOHNICAN related that she had acknowledged a notification on 30 April 2007 through the I-CLEAR system for a statement scheduled for 04 May 2007 regarding the missed therapy appointments. JOHNICAN related that she did not appear as scheduled for her statement on 04 May 2007 because she was unfamiliar with the procedure and she had previously requested time due for that date. JOHNICAN related that she made a mistake by not contacting the Internal Affairs Division and requesting that the statement be rescheduled (attachments #5 and 6).

R/Agent requested and received a copy of an Attendance and Assignment Record for 003rd District for the 1st Watch for 04 May 2007 and a copy of the Overtime/Compensatory Time Report submitted by JOHNICAN.

The Attendance and Assignment Record listed JOHNICAN as being Day Off Compensatory Time on 04 May 2007 and the Overtime/Compensatory Time Report listed a submission date by JOHNICAN of 29 April 2007 (attachment #7)

R/Agent obtained a copy of General Order 98-02 titled Medical Policy. General Order 98-2 states in Article IV, Item C,1, that "Medical certification will be withheld or withdrawn whenever a sworn Department member fails to comply with the provisions of this directive relating to participating in a treatment plan for recuperation as recommended by a treating physician"(attachment #8).

R/Agent obtained a copy of General Order 93-03-02B titled Specific Responsibilities. General Order 93-03-02B states in Article II, Item A, 2, that "Each member will cooperate with personnel from the Office of Professional Standards, the Internal Affairs Division, or any other member conducting such investigation" (attachment #9).

R/Agent conducted a review of the evidence gathered during the investigation. The evidence shows that the accused failed to report for scheduled appointments as prescribed by a treating physician on 26 January 2007, 09 and 20 February 2007, 05, 12, 14, and 19 March 2007. The evidence shows that the accused failed to notify personnel assigned to the Medical Services Section of her inability to report for her scheduled appointments on 26 January 2007, 09 and 20 February 2007, 05, 12, 14, and 19 March 2007. The evidence shows that the accused did not appear for a scheduled statement on 04 May 2007 at 0600 hours and that the accused failed to notify personnel assigned to the Internal Affairs Division of her inability to report. The evidence shows that the accused failed to request that the date be rescheduled due to the fact that the accused had previously been approved for time due on 04 May 2007. R/Agent did not receive any report or document from the accused showing that the accused had rescheduled the missed appointments.

Based upon a review of the evidence R/Agent recommends a finding of **SUSTAINED** relative to all of the allegations against the accused.

FINDINGS:

Accused: Allegation #1:	Police Officer Brandi JOHNICAN #11936 SUSTAINED Violation of Rule 24 Failure to follow medical roll procedures. In that on 26 January 2007, 09 February 2007, 20 February 2007, 05 March 2007, 07 March 2007, 12 March 2007, 14 March 2007, and 19 March 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, thereby displaying conduct that is contrary to stated Department policy.
----------------------------	---

- Count #1: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 09 February 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.
- Count #2: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 20 February 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.
- Count #3: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 05 March 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.
- Count #4: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 07 March 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.
- Count #5: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 12 March 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.

SUMMARY REPORT DIGEST


CL #1004663

- Count #6: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 14 March 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.
- Count #7: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 19 March 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.
- Count #8: Violation of Rule 24
Failure to follow medical roll procedures.
In that on 26 January 2007, at various times of the day, at the location of 1725 West Harrison, Police Officer Brandi JOHNICAN #11936 violated medical policy by failing to participate in a treatment plan for recuperation as recommended by her personal physician, in direct violation of General Order 98-02, thereby displaying conduct that is contrary to stated Department policy.

- Allegation #2: **SUSTAINED**
Violation of Rule 10
Inattention to Duty.
In that on 04 May 2007, at 0600 hours, at the location of 3510 South Michigan Avenue (Internal Affairs Division) Police Officer Brandi JOHNICAN #11936 failed to appear or make notification of the inability to appear for a scheduled statement relative to a complaint register investigation after receiving and acknowledging notification to do so in direct violation of General Order 93-03-02B, thereby impeding the Departments efforts to implement its policies and directives.

RECOMMENDATIONS:

See attachment #10.


Police Agent Rory ANDERSON #19719
Confidential Investigations Section
Internal Affairs Division

LIST OF ATTACHMENTS

CL #1004663

1. Complaint Against Department Member.
2. Complaint Register Investigation Conflict Certification of Police Agent Rory ANDERSON #19719.
3. Sworn Affidavit – NOT REQUIRED
4. Initiation Report and attachments submitted by Sergeant Thomas RISLEY #2585.
5. Accused Notification of Charges/Allegations for Police Officer Brandi JOHNICAN #11936.
6. Formal Statement of accused Police Officer Brandi JOHNICAN #11936.
7. Attendance and Assignment Record and Overtime Compensatory Time Report for listing Police Officer Brandi JOHNICAN #11936.
8. General Order 98-02 Medical Policy.
9. General Order 93-03-02B Specific Responsibilities.
10. Complaint Register Investigation Conflict Certification of Police Agent Marie LANE #5905.
11. Complimentary History of Police Officer Brandi JOHNICAN #11936.
12. Disciplinary History of Police Officer Brandi JOHNICAN #11936.
13. Disciplinary Recommendation of Supervisory Sergeant Laurence Coleman #1233.